

## **REMARKS**

### **I. Introduction**

With the cancellation of claims 13 and 14, without prejudice, claims 11, 12 and 15 to 21 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 papers and cited references.

### **II. Rejections Under 35 U.S.C. § 102**

Claims 11, 12 and 17 to 21 were rejected under 35 U.S.C. § 102(b) as anticipated by Smith et al. (U.S. Patent No. 5,361,737), and claims 11 to 21 were rejected under 35 U.S.C. § 102(e) as anticipated by Schleupen (U.S. Patent No. 6,357,426). The rejections regarding claims 13 and 14 are moot because claims 13 and 14 have been canceled herein, without prejudice. It is respectfully submitted that these rejections should be withdrawn with respect to the remaining claims for at least the following reasons.

To anticipate a claim, the reference must disclose each and every element of the claimed invention. *Verdergaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987).

Amended claim 11 recites, *inter alia*, that the coaxial waveguide structure is configured such that, for a predefined effective wavelength of a high-frequency oscillation that is coupled in, a cavity resonator results at least to (predefined effective wavelength)/4, wherein the one end of the coaxial waveguide structure having the inner conductor protruding into the combustion chamber includes a seal made of dielectric material between the outer conductor and the inner conductor, the seal having at least one of an abrupt change and a smooth change in radial diameter along the axial direction, whereby an optimal configuration of the field lines is provided for generating the free-standing plasma. Neither Smith et al. nor Schleupen discloses, or even suggests, at least these features.

As for claims 12 and 15 to 21, which ultimately depend from amended independent claim 11 and therefore include all of the features recited in amended independent claim 11, it is respectfully submitted that cited references do not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of amended independent claim 11.

Accordingly, Applicants respectfully submit that all rejections raised under 35 U.S.C. § 102 should be withdrawn.

### III. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: October 4, 2006

By: \_\_\_\_\_

Gerard A. Messina  
Reg. No. 35,952

KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288

D.M.  
42,194